

116TH CONGRESS  
2D SESSION

# S. 4163

To amend the Public Health Service Act to provide for timely and effective systematic testing to improve biosurveillance activities and practices.

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IN THE SENATE OF THE UNITED STATES

JULY 2, 2020

Mr. GARDNER (for himself, Mr. BENNET, Mr. ROMNEY, and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Public Health Service Act to provide for timely and effective systematic testing to improve biosurveillance activities and practices.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Timely and Effective  
5       Systematic Testing Act” or the “TEST Act”.

6       **SEC. 2. BIOSURVEILLANCE FACILITIES AND CAPACITIES OF**

7           **THE CDC.**

8       (a) IN GENERAL.—Section 319D of the Public  
9       Health Service Act (42 U.S.C. 247d–4) is amended—

- 1                             (1) In subsection (a)(3)—  
2                                 (A) in subparagraph (C), by striking  
3                                 “and” at the end;  
4                                 (B) in subparagraph (D), by striking the  
5                                 period and inserting “; and”; and  
6                                 (C) by adding at the end the following:  
7                                 “(E) improving coordination with Federal,  
8                                 State, local, Tribal, and territorial public health  
9                                 officials and other Federal agencies as appro-  
10                                 priate, including the Centers for Medicare &  
11                                 Medicaid Services, to identify gaps and align  
12                                 payment incentives to improve electronic case  
13                                 reporting capability.”;  
14                             (2) in subsection (c)—  
15                                 (A) in paragraph (3)(A)(iv), by inserting  
16                                 “(such as commercial, academic, and other hos-  
17                                 pital laboratories)” after “clinical laboratories”;  
18                                 (B) in paragraph (5)—  
19                                 (i) in subparagraph (A)—  
20                                     (I) in the matter preceding clause  
21                                 (i), by striking “and operating” and  
22                                 inserting “, operating, and updating”;  
23                                 (II) in clause (iv), by striking  
24                                 “and” at the end;

(III) in clause (v), by striking the period and inserting a semicolon; and  
(IV) by adding at the end the following:

“(vi) integrate and update applicable existing systems and networks supported by the Centers for Disease Control and Prevention and in collaboration with State, local, Tribal, and territorial public health officials, including public health surveillance and disease detection systems; and

“(vii) direct the Centers for Disease Control and Prevention in coordination with the Centers for Medicare & Medicaid Services to assess the gaps in current reporting systems and evaluate grants and payment mechanisms to improve electronic case reporting capabilities.”; and

(ii) in subparagraph (B)—

(I) in clause (i), by inserting  
“and 60 days after the date of enact-  
ment of the TEST Act of 2020” after  
“Innovation Act of 2018”;

(II) in clause (ii), by inserting  
“epidemiologists, clinical microbiolo-

1 gists, pathologists and laboratory ex-  
2 perts, health information technology  
3 developers, experts in health informa-  
4 tion technology market economics,  
5 public and private entities engaged in  
6 the evaluation of health information  
7 technology performance, data sharing  
8 networks, such as health information  
9 exchanges, security experts,” after  
10 “forecasting);”; and

11 (III) in clause (iii)—

12 (aa) in subclause (V), by  
13 striking “and” at the end;

14 (bb) in subclause (VI), by  
15 striking the period; and

16 (cc) by adding at the end  
17 the following:

18 “(VII) strategies to integrate lab-  
19 oratory and epidemiology systems and  
20 capabilities to conduct and report  
21 rapid and accurate laboratory tests;

22 “(VIII) ways to improve the col-  
23 lection, disaggregation, and reporting  
24 of appropriate demographic data to  
25 support population health strategies

1                   and to better understand and address  
2                   health disparities; and

3                   “(IX) an evaluation of the Digital  
4                   Bridge project and subsequent  
5                   lessons on strategies to improve the  
6                   exchange of electronic health information  
7                   between public health agencies  
8                   and health care providers and facilities  
9                   for the purpose of timely, accurate,  
10                  and accessible disease surveillance.”; and

11                  (C) in paragraph (6)—

12                  (i) in subparagraph (A)—

13                  (I) in clause (iii)—

14                  (aa) in subclause (III), by  
15                  striking “and” at the end;

16                  (bb) in subclause (IV), by  
17                  inserting “, including the ability  
18                  to conduct and report on rapid  
19                  and accurate laboratory testing  
20                  during a public health emergency” before the semicolon; and

21                  (cc) by adding at the end  
22                  the following:

1                         “(V) improve coordination and  
2 collaboration, as appropriate, with  
3 other Federal departments; and

4                         “(VI) implement applicable les-  
5 sons learned from recent public health  
6 emergencies to address gaps in situa-  
7 tional awareness and biosurveillance  
8 capabilities, including an evaluation of  
9 ways to improve the collection,  
10 disaggregation, and reporting of de-  
11 mographic data to support population  
12 health strategies and to better under-  
13 stand and address health disparities;”;

14                         (II) in clause (iv), by striking  
15 “and” at the end;

16                         (III) in clause (v), by striking the  
17 period and inserting “including a jus-  
18 tification for those dates for how they  
19 will further the goal of addressing  
20 both current and potential future in-  
21 fectious disease outbreaks; and”; and

22                         (IV) by adding at the end the fol-  
23 lowing:

24                         “(vi) identifies and demonstrates  
25 measurable steps the Secretary will take to

1           further develop and integrate infectious  
2           disease detection, including expanding ca-  
3           pabilities to conduct and report on rapid  
4           and accurate diagnostic laboratory testing  
5           during a public health emergency, and im-  
6           prove coordination and collaboration with  
7           State, local, Tribal, and territorial public  
8           health officials, clinical laboratories (in-  
9           cluding commercial, hospital and academic  
10          labs), and other entities with expertise in  
11          public health surveillance.”;

12           (ii) by redesignating subparagraph  
13          (B) as subparagraph (C); and  
14           (iii) by inserting after subparagraph  
15          (A), the following:

16           “(B) REPORTS.—Not later than one  
17          month after the date of enactment of the TEST  
18          Act, and every 90 days thereafter, the Secretary  
19          shall report on the status of the Department of  
20          Health and Human Services’ biosurveillance  
21          modernization and assessment progress with re-  
22          spect to both current and potential future infec-  
23          tious disease outbreaks.”;

24           (3) in subsection (d)—

(A) in paragraph (2)(C), by inserting “, including any public-private partnerships entered into to improve such capacity” before the semicolon; and

(B) in paragraph (3)—

(i) in subparagraph (B), by striking

“and” at the end;

(ii) in subparagraph (C), by striking

the period and inserting “; and”; and

(iii) by adding at the end the fol-

lowing:

“(D) may establish, enhance, or maintain system or network for the collection of data provide for early detection of infectious disease outbreaks, near real-time access to relevant electronic data and integration of electronic data and information from public health and other appropriate sources, such as laboratories, hospitals, and epidemiology systems, to enhance the capability to conduct rapid and accurate diagnostic laboratory tests to provide for disease detection.”;

(4) in subsection (f)(1)(A), by inserting “pathologists, clinical microbiologists, laboratory professionals, epidemiologists,” after “forecasting);” and

9       (b) COORDINATION.—The Administrator of the Cen-  
10 ters for Medicare & Medicaid Services shall coordinate  
11 with Centers for Disease Control and Prevention to assess  
12 the gaps in current reporting systems and evaluate grants  
13 and payment mechanisms to improve electronic case re-  
14 porting capabilities for purposes of section  
15 319D(c)(5)(A)(vii) of the Public Health Service Act (as  
16 added by subsection (a)).

## 17 SEC. 3. NATIONAL HEALTH SECURITY STRATEGY.

<sup>18</sup> Section 2802(b)(2) of the Public Health Service Act

19 (42 U.S.C. 300hh-1(b)(2)) is amended—

1                             (2) in subparagraph (B), by inserting “labora-  
2                             tory testing,” after “services and supplies.”.

3     **SEC. 4. EPIDEMIOLOGY-LABORATORY CAPACITY GRANTS.**

4     Section 2821(a) of the Public Health Service Act (42  
5     U.S.C. 300hh–31(a)) is amended—

6                             (1) in paragraph (3), by striking “and”;

7                             (2) in paragraph (4), by striking the period and  
8                             inserting “; and”; and

9                             (3) by adding at the end the following:

10                             “(5) supporting State and local public health  
11                             departments activities related to biosurveillance and  
12                             disease detection, including activities related to sec-  
13                             tion 319D.”.

